

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

JOAN TRUMAN SMITH

V.

BRYCO ARMS, Inc., et al.

CIVIL ACTION NO:
CV 02 3029 (JBW)

Honorable Jack B. Weinstein

ORDER

Counsel for Defendants related to Bryco Arms, B.L. Jennings, Inc., Bruce Jennings, Jennings Firearms Inc. of Nevada, Jennings Firearms, Inc. of California, RKB Investments, and Calwestco have filed Motions to Dismiss the Complaint in this action on the grounds of Insufficient Service of Process, Personal Jurisdiction and Failure to State a Claim on the First Cause of Action for Negligence. After receipt of briefs and evidence and after hearing oral argument, it is now

ORDERED that the Motions by Defendants Bryco Arms and B.L. Jennings, Inc. for dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for Failure to State a Claim Upon Which Relief Can Be Granted as to the First Cause of Action for Negligence are denied, and it is further

ORDERED that the Motions by Defendants Jennings Firearms, Inc. of Nevada, Jennings Firearms Inc. of California, and Calwestco for dismissal due to Insufficient Service of Process pursuant to Rule 4 of the Federal Rules of Civil Procedure are denied, and it is further

ORDERED that the Plaintiff's time to effectuate proper service on Bruce Jennings, Janice Jennings, RKB Investments, Rhonda Jennings Nevada Trust, Kimberly Jennings Nevada Trust, Bradley Jennings Nevada Trust pursuant to Rule 4 is extended thirty days from the date of this order, and it is further



ORDERED that the Motions by Defendants Bruce Jennings, RKB Investments, Jennings Firearms Inc. of Nevada, Jennings Firearms, Inc. of California, and Calwestco for dismissal on the grounds of Lack of Personal Jurisdiction may be submitted for hearing after service issues pertaining to Bruce Jennings and RKB Investments are resolved.

Dated: ^{10/}September 7, 2002
Brooklyn, New York

Jack B. Weinstein
Senior District Judge

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September 16, 2002

VIA FACSIMILE & FIRST CLASS MAIL

The Honorable Jack B. Weinstein
U.S. District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

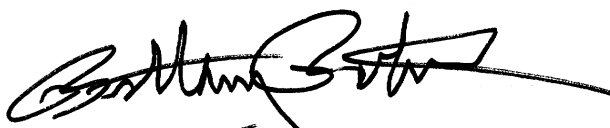
Re: Joan Truman Smith v. Bryco Arms, Inc., et al
U.S. District Court for the Eastern District of New York

FAD
9/18/02 ✓

Dear Judge Weinstein:

Enclosed please find a proposed Order in follow-up to the September 5, 2002 hearing pertaining to the above-referenced matter.

Very truly yours,



Brittany L. Roberts

BLR/das

Enclosure

cc: Elisa Barnes, Esquire (via facsimile and first class mail)
Leonard S. Rosenbaum, Esquire (via facsimile and first class mail)

(B0289293.WPD;1)